

## Federal Aviation Administration, DOT

## § 193.7

193.11 What is the notice procedure?

193.13 What is the no-notice procedure?

193.15 What FAA officials exercise the authority of the Administrator under this part?

193.17 How must design and production approval holders handle information they receive from the FAA under this part?

AUTHORITY: 49 U.S.C. 106(g), 40113, 40123.

SOURCE: 66 FR 33805, June 25, 2001, unless otherwise note.

### § 193.1 What does this part cover?

This part describes when and how the FAA protects from disclosure safety and security information that you submit voluntarily to the FAA. This part carries out 49 U.S.C. 40123, protection of voluntarily submitted information.

### § 193.3 Definitions.

*Agency* means each authority of the Government of the United States, whether or not the agency is within or subject to review by another agency, but does not include—

- (1) The Congress;
- (2) The courts of the United States;
- (3) The governments of the territories or possessions of the United States;
- (4) The government of the District of Columbia;
- (5) Court martial and military commissions.

*De-identified* means that the identity of the source of the information, and the names of persons have been removed from the information.

*Disclose* means to release information to a person other than another agency. Examples are disclosures under the Freedom of Information Act (5 U.S.C. 552), in rulemaking proceedings, in a press release, or to a party to a legal action.

*Information* includes data, reports, source, and other information. “Information” may be used to describe the whole or a portion of a submission of information.

*Summarized* means that individual incidents are not specifically described, but are presented in statistical or other general form.

*Voluntary* means that the information was not required to be submitted as part of a mandatory program, and was not submitted as a condition of

doing business with the government. “Voluntarily-provided information” does not include information submitted as part of complying with statutory, regulatory, or contractual requirements, except that information submitted as part of complying with a voluntary program under this part is considered to be voluntarily provided.

### § 193.5 How may I submit safety or security information and have it protected from disclosure?

(a) You may do so under a program under this part. The program may be developed based on your proposal, a proposal from another person, or a proposal developed by the FAA.

(b) You may be any person, including an individual, a company, or an organization.

(c) You may propose to develop a program under this part using either the notice procedure in § 193.11 or the no-notice procedure in § 193.13.

(d) If the FAA decides to protect the information that you propose to submit it issues an order designating the information as protected under this part.

(e) The FAA only issues an order designating information as protected if the FAA makes the findings in § 193.7.

(f) The designation may be for a program in which all similar persons may participate, or for a program in which only you submit information.

(g) Even if you receive protection from disclosure under this part, this part does not establish the extent to which the FAA may or may not use the information to take enforcement action. Limits on enforcement action applicable to a program under this part will be in another policy or rule.

### § 193.7 What does it mean for the FAA to designate information as protected?

(a) *General*. When the FAA issues an order designating information as protected under this part, the FAA does not disclose the information except as provided in this part.

(b) *What findings does the FAA make before designating information as protected?* The FAA designates information as protected under this part when the FAA finds that—